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Remarks/Arguments:

Reconsideration of the application as amended is requested.

Applicants request a one month extension of time to respond to the outstanding Office action, and a separate petition to this effect is enclosed.

The Examiner's remarks and cited references have been received and carefully considered. Originally presented claim 18 has been amended.

The Examiner notes that Applicants have not filed a certified copy of the European application as required by 35 U.S.C. § 119(b). Applicants will file a certified copy of the application prior to the issuance of the patent.

Claim 18 has been rejected pursuant to 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 18 to clarify what "independently" means in reference to raising the loading platform and transfer bridge by using at least one power mechanism. Claim 18 (as amended) provides for at least one power mechanism for raising and lowering said loading platform independently of said transfer bridge and raising and lowering said transfer bridge independently of said loading platform.

Applicants submit that pending claim 18 is now sufficiently definite under 35 U.S.C. § 112 so as to reasonably apprise those skilled in the art as of its scope.

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The Examiner rejected claims 1, 8, 9, and 11-16 under 35 U.S.C. § 102(b) as being anticipated by the Bryan Patent 4,077,532. For those reasons set forth in detail below, Applicants assert that the Bryan '532 patent does not anticipate any of the pending claims, including rejected claims 1, 8, 9, and 11-16.

The Examiner specifically discusses claim 1,

“With respect to claim 1, Bryan discloses a method for loading an aircraft having a hold disposed at a predetermined elevation (see Figures 7c, 7b, and 7a in that order). This method providing a first loading platform 32 having a transfer for moving cargo in a horizontal direction 56 and a powered lift 42 to raise and lower the first loading platform. The load is positioned on the first loading platform at the first elevation (Fig 7c, by the lift truck 72). The first loading platform 32 is shifted upwardly to the second elevation to lift the load (Fig 7c, the lifts 42 engage to raise the platform so that the legs 71 clear the ground). This method providing a second loading platform 26 having a transfer for moving cargo in a horizontal direction (Fig 7b, see the rollers mounted on elevator 26) and a powered lift 28 to raise and lower the second loading platform. The load 30b is transferred from the first loading platform 32 to the second loading platform 26 (Fig 7b shows the load 30b being transferred from second platform 26 to first platform 32, but this process is easily reversed and discussed in the specification in the last paragraph of column 6 and continuing in the next column). The

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second loading platform 26 is shifted upwardly to the hold elevation (Fig 7a) and the load is transferred from the second loading platform in to the hold of the aircraft (column 7, lines 9-14).”

Rejected claim 1 recites a method for loading an aircraft having a hold disposed at a predetermined elevation comprising the steps of: providing a first loading platform having a transfer for moving cargo in a generally horizontal direction, and a powered lift to raise and lower the first loading platform between first and second elevations; positioning a load on the first loading platform at the first elevation; shifting the first loading platform upwardly to the second elevation to lift the load thereon; providing a second loading platform having a transfer for moving cargo in a generally horizontal direction, and a powered lift to raise and lower the second loading platform between the second elevation and the predetermined hold elevation above the second elevation; transferring the load from the first loading platform at the second elevation to the second loading platform at the second elevation; shifting the second loading platform upwardly from the second elevation to the predetermined hold elevation; and transferring the load from the second loading platform into the hold of the aircraft. Claim 1 specifically recites a method for loading an aircraft, wherein the last step recites “transferring the load from the second loading platform into the hold of the aircraft.”

The Bryan '532 patent discloses a method and apparatus for loading cargo onto a container receiving platform 24. The procedure for on-loading containers is the reverse of the

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off-loading procedure. A surface carrier such as a highway trailer or railway car delivers the container and pallet assembly to the cargo receiving area. Conventional surface borne cargo handling equipment is used to remove the container and pallet from the surface carrier and place it on an empty, freestanding stand 70. An empty transporter is driven under the stand and the roller bed raised sufficiently to engage and raise the container, pallet and stand to allow the legs of the stand to clear the ground. Alternatively, the conventional surface borne cargo handling equipment may be used to deposit the container and pallet directly upon the transporter. The transporter with the container, pallet and stand assembly mounted thereon is then driven to the aircraft. The transporter is positioned so that it is side-by-side with a conventional elevator platform. The elevator platform height is aligned with the pallet and the hinged hooks 34 are released. The motorized friction wheels 56 move the container sideways off the pallet and onto the elevator platform. When the container is on the elevator platform, the platform height is brought into alignment with the container receiving platform 24 and the container moves by conventional means from the elevator platform onto the container receiving platform to await on-loading onto the aircraft cargo deck. The elevator platform 26 and the container receiving platform 24 are visible in Fig. 1, Fig. 7a, and Fig. 7b.

Unlike the method for loading an aircraft defined in Applicants' pending claim 1, the Bryan '532 patent does not teach or suggest using the transporter to load cargo directly into an

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aircraft. Rather, the Bryan '532 patent discloses using the transporter to load an intermediate container receiving platform 24.

Claims 8 and 9 depend from claim 1, and add additional steps and features thereto, which Applicants assert further distinguish the same from the Bryan '532 patent, as well as the other references of record.

The Examiner addresses rejected claim 11,

“With respect to claim 11, Bryan discloses a method for unloading an aircraft 20. A second loading platform 26 is provided having a transfer for moving cargo in a horizontal direction (see the rollers mounted on the platform 26 in Fig 7b) and a powered lift 28 to raise and lower the second loading platform. A load 30b is positioned on the second loading platform at the predetermined hold elevation. The second loading platform 26 is shifted downwardly to the second elevation to lower the load 30b. This method provides a first loading platform 32 having a transfer 56 for moving cargo in a horizontal direction and a powered lift 42 to raise and lower the first loading platform 32. The load 30b is transferred from the second loading platform 26 at the second elevation to the first loading platform 32 at the second elevation. The first loading platform 32 is shifted downwardly from the second elevation to the first elevation, where the load 30b is removed from the first loading platform (as shown in Fig 7c).”

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Rejected claim 11 recites a method for unloading an aircraft having a hold disposed at predetermined elevation, comprising the steps of: providing a second loading platform having a transfer for moving cargo in a generally horizontal direction, and a powered lift to raise and lower the second loading platform between the predetermined hold elevation and a second elevation; positioning a load on the second loading platform at the predetermined hold elevation; shifting the second loading platform downwardly to the second elevation to lower the load thereon; providing a first loading platform having a transfer for moving cargo in a generally horizontal direction, and a powered lift to raise and lower the first loading platform between the second elevation and a first elevation below the second elevation; transferring the load from the second loading platform at the second elevation to the first loading platform at the second elevation; shifting the first loading platform downwardly from the second elevation to the first elevation; and removing the load from the first loading platform.

The Bryan '532 patent discloses unloading a cargo container 30b out of the fuselage 20 of an aircraft, across a container receiving platform 24 and onto an elevator platform 26 in a conventional manner. The elevator platform 26 is then lowered into side-by-side alignment with the transporter 40a of the Bryan '532 invention which has been driven into position with a stand 70a and pallet 32a mounted on the roller bed 44a. The container is moved sideways towards the roller bed 44a and when the container is sufficiently over the pallet 32a, the motorized friction wheels 56 of the roller bed engage the underside of the container causing the

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container to continue across the pallet until the container is completely on the pallet. The pallet is then secured to the container by means of hinged hooks 34 which engage slots on the ends of the container. The container is now ready to be transferred to a cargo loading area. Once at the cargo loading area, the roller bed 44 is lowered to allow the legs 71 of stand 70a to touch the ground. The container 30a and pallet 32a are then supported by stand 70a and the transporter is driven out from under the container. This frees the transporter to return to a staging area to pick up another stand and pallet assembly and return to the aircraft to off-load another container, or alternatively the transporter could pick up a stand and pallet carrying a container to be reloaded onto the aircraft. The elevator platform 26 and the container receiving platform 24 are visible in Fig. 1, Fig. 7a, and Fig. 7b.

Unlike the method for unloading an aircraft defined in Applicants' pending claim 11, the Bryan '532 patent discloses using the transporter to unload a container receiving platform 24, not the aircraft.

The Examiner addresses rejected claim 12,

“With respect to claim 12, Bryan discloses a movable aircraft cargo handling apparatus for loading and unloading an aircraft. This apparatus comprises a first movable aircraft cargo handling device (the conventional elevator platform 32 and its wheeled frame, as shown in Figs 7a & 7b) having a loading platform 32 with a transfer 56 for moving cargo in a horizontal direction and a powered lift 28 to raise and lower

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the loading platform 32 between the load level of an aircraft 20 and the load level of a loading platform of another loading device 40.”

Rejected claim 12 claims a movable aircraft cargo handling apparatus for loading and unloading an aircraft having a predetermined load level, comprising: a first movable aircraft cargo handling device having a loading platform with a transfer for moving cargo in a generally horizontal direction, and a powered lift to raise and lower the loading platform between an uppermost position disposed substantially coplanar with the load level of an associated aircraft, and a lowermost position disposed substantially coplanar with the load level of a raised loading platform of another loading device.

Unlike the method for loading and unloading an aircraft defined in Applicants’ pending claim 12, the Bryan ’532 patent discloses using the transporter to load a container receiving platform 24 onto which a container is loaded and from which container is unloaded. See, the container receiving platform 24 in Figs. 1, 7a, and 7b.

Claims 13-16 depend from claim 2, and add additional steps and features thereto, which Applicants assert further distinguish the same from the Bryan ’532 patent, as well as the other references of record.

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Bryan ’532. Specifically,

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“Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan.

Bryan is silent on the height of the plane. Using the device on different sized planes would mean that the distances the platform is moved would vary. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to raise the second loading platform a distance of 50-100 percent of the distance between the first and second elevations in order to allow the device to work with a variety of plane sizes.”

Claim 2 depends on claim 1 (see discussion above). Claim 2 claims a method as set forth in claim 1 wherein said second loading platform shifting step includes raising the second loading platform a distance in the range of 50-100 percent of the distance between the first and second elevations.

Applicants disagree with the Examiner’s above-noted construction of the teachings of the Bryan ’532 patent. The Bryan ’532 patent discloses a transporter 40 that has mounted thereon a height-adjustable bed 44 consisting of gravity rollers 54 and motorized friction wheels 56. The motorized friction wheels 56 provide the means for moving the cargo container 30 onto and across the roller bed 44. The bed 44 is mounted on lifting devices, for example hydraulic jacks, 42, one at each corner, which provide the height adjustability feature of the bed.

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During the Bryan '532 loading process, an empty transporter is driven under the stand and the roller bed raised sufficiently to engage and raise the container, pallet, and stand to allow the legs of the stand to clear the ground. The transporter with the container, pallet, and stand assembly mounted thereon is then driven to the aircraft. The transporter is positioned so that it is side-by-side with a conventional elevator platform. The elevator platform height is aligned with the pallet and the hinged hooks 34 are released. The motorized friction wheels 56 move the container sideways off the pallet and onto the elevator platform.

The object of raising the height-adjustable transporter 40 bed 44 is therefore not to raise a container by a significant amount. Therefore, even if the conventional elevator platform 26 of Bryan '532 were raised a distance of 50-100 percent of the distance between the first and second elevations, the height of the conventional elevator platform 26 would not be sufficient to reach a plane.

The Examiner rejected claims 3-7, 10, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Bryan '532 in view of Moore et al 5,525,019.

Initially, Applicants point out that it is the burden of the Examiner to establish a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. § 103. Applicants respectfully assert that in the present case, the Examiner has not met this burden of establishing a *prima facie* case of obviousness. The Examiner appears to have taken bits and pieces of the prior art devices, and combined the same in a manner which could only have been

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accomplished with the benefit of Applicants' own invention, and made this hypothetical combination the basis for the present rejection. Obviousness cannot be established by combining the teachings of the prior art in a hypothetical manner to produce the claimed invention, absent some teaching, suggestion or incentive supporting the proposed combination. In the present rejection, Applicants can find no teaching, suggestion or incentive in the Bryan '532 and Moore '019 references which would support the Examiner's hypothetical combination of the same. Hence, the associated rejection under § 103 is inappropriate and should be withdrawn.

In regard to claim 3, the Examiner states,

“With respect to claim 3, Bryan discloses a method in claim 2 as discussed above. Bryan also discloses a second loading platform shifting step (Fig 7a & 7b), which would be capable of raising the platform 26 a distance in the range of 4.00 - 8.50 meters above ground level. Bryan does not disclose a first loading platform shifting step that would be capable of raising a first loading platform from a height adjacent to the ground to a height of around six meters above ground level.

“Moore et al. discloses a first loading platform shifting step that includes raising the first loading platform 111 from a height adjacent to the ground to a height of around six meters above ground level (see Fig 3 and column 3, lines 33-37). The examiner notes that 228 inches is approximately 5.79 meters.

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“It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the first loading platform shifting step as taught by Moore et al. to the method of loading aircraft of Bryan, in order to allow loads to transferred [sic] to the first loading platform without being lifted far from the ground level.”

Claim 3 depends on claim 2 (discussed above). Claim 3 claims the method as set forth in claim 2 wherein said first loading platform shifting step includes raising the first loading platform from a height adjacent to ground level to a height of around six meters above ground level, and said second loading platform shifting step includes raising the second loading platform a distance in the range of 4.00-8.50 meters above ground level.

Moore '019 only shows a movable aircraft cargo handling apparatus for loading and unloading an aircraft, with two platforms 10 and 11, which can be lifted to the same level. The smaller platform 10, during loading and unloading the aircraft, normally stays at the level of the cargo door of the aircraft. During loading the bigger rear platform 11 is raised and lowered. In the raised position of the platform 11 the containers 12 simply can be pushed from the platform 11 to the platform 10 and from there directly into the aircraft.

The lift loading apparatus according to Moore '019 is not intended to be used for loading or unloading of aircrafts with the loading level at a height of about 8.50 meters above ground level. This is not possible in view of the short front platform 10 and the construction

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of the scissor, not even if the double-scissor system 124 according to the embodiment of Moore '019 Fig. 3 is used.

Bryan '532 does not disclose an apparatus for loading an aircraft. Bryan teaches loading a conventional cargo receiving platform 24. Further, Bryan '532 does not teach raising transporter 40 to a height of around six meters above ground level.

During the Bryan '532 loading process, an empty transporter is driven under the stand and the roller bed raised sufficiently to engage and raise the container, pallet, and stand to allow the legs of the stand to clear the ground. The transporter with the container, pallet, and stand assembly mounted thereon is then driven to the aircraft. The transporter is positioned so that it is side-by-side with a conventional elevator platform. The elevator platform height is aligned with the pallet and the hinged hooks 34 are released. The motorized friction wheels 56 move the container sideways off the pallet and onto the elevator platform. The object of raising the height-adjustable transporter 40 bed 44 is therefore not to raise a container by a significant amount. Therefore, even if the conventional elevator platform 26 of Bryan '532 were raised a distance of 50-100 percent of the distance between the first and second elevations, the height of the conventional elevator platform 26 would not be sufficient to reach a plane.

Furthermore, even assuming *arguendo* that some combination of the Bryan '532 and Moore '019 references is appropriate, they do not teach the method of Applicants' claim 3. Neither Bryan '532 or Moore '019 teach loading an aircraft via a first loading platform shifting

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step including raising the first loading platform from a height adjacent to ground level to a height of around six meters above ground level; and said second loading platform shifting step including raising the second loading platform a distance in the range of 4.00-8.50 meters above ground level.

Claims 4, 5, and 6 depend from claim 3 and add additional steps and features thereto, and are similarly not rendered unpatentable over Bryan '532 in view of Moore '019.

Specific to claim 7 the Examiner states that,

“With respect to claim 7, Bryan discloses a method in claim 1 as discussed above. Bryan also discloses a second loading platform shifting step (Fig 7a & 7b), which would be capable of raising the platform 26 a distance in the range of 4.00 – 8.50 meters above ground level. Bryan does not disclose a first loading platform shifting step that would be capable of raising a first loading platform from a height adjacent to the ground to a height of around six meters above ground level.

“Moore et al. discloses a first loading platform shifting step that includes raising the first loading platform 111 from a height adjacent to the ground to a height of around six meters above ground level (see Fig 3 and column 3, lines 33-37). The examiner notes that 228 inches is approximately 5.79 meters.

“It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the first loading platform shifting step as taught by

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Moore et al. to the method of loading aircraft of Bryan, in order to allow loads to transferred to the first loading platform without being lifted far from the ground level.”

Claim 7 claims the method as set forth in claim 1 wherein said first loading platform shifting step includes raising the first loading platform from a height adjacent to ground level to a height of around six meters above ground level and said second loading platform shifting step includes raising the second loading platform a distance in the range of 4.00 to 8.50 meters.

The lift loading apparatus according to Moore '019 is not intended to be used for loading or unloading of aircrafts with the loading level at a height of about 8.50 meters above ground level. This is not possible in view of the short front platform 10 and the construction of the scissor, even not if the double-scissor system 124 according to the embodiment of Moore '019 Fig. 3 is used.

Bryan '532 does not disclose an apparatus for loading an aircraft. Bryan '532 teaches loading a conventional cargo receiving platform 24. Further, Bryan '532 does not teach raising transporter 40 to a height of around six meters above ground level.

During the Bryan '532 loading process, an empty transporter is driven under the stand and the roller bed raised sufficiently to engage an raise the container, pallet, and stand to allow the legs of the stand to clear the ground. The transporter with the container, pallet, and stand assembly mounted thereon is then driven to the aircraft. The transporter is positioned so that it

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is side-by-side with a conventional elevator platform. The elevator platform height is aligned with the pallet and the hinged hooks 34 are released. The motorized friction wheels 56 move the container sideways off the pallet and onto the elevator platform. The object of raising the height-adjustable transporter 40 bed 44 is therefore not to raise a container by a significant amount.

Furthermore, even assuming arguendo that some combination of the Bryan '532 and Moore '019 references is appropriate, they do not teach the method of Applicants' claim 7. Neither Bryan '532 nor Moore '019 teach loading an aircraft via a first loading platform shifting step including raising the first loading platform from a height adjacent to ground level to a height of around six meters above ground level; and said second loading platform shifting step including raising the second loading platform a distance in the range of 4.00-8.50 meters above ground level.

For claim 10 the Examiner specifically states,

“With respect to claim 10, Bryan does not disclose that the second loading platform transferring step provides a transfer bridge to transfer the load from the second loading platform to the aircraft hold.

“Moore et al. discloses a transfer bridge 110 that is mounted on the second aircraft loading device (see Fig 3). Moore further discloses that this forward platform is included for adjusting to an aircraft cargo door (see column 1, lines 24-25).

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“It would have been obvious to one having ordinary skill at the time the invention was made to have included the transfer bridge as taught by Moore et al. to the second platform transferring step of Bryan, in order to allow the ease of transfer between the second loading platform and a variety of aircraft doors.”

Claim 10 claims a method as set forth in claim 1 (discussed above) wherein said second loading platform transferring step comprises providing a transfer bridge to transfer the load on the second loading platform into the hold of the aircraft.

During the loading process, Bryan '532 teaches transfer of containers onto a container receiving platform 24 from an elevator platform 26 in a conventional manner. When the container is on the elevator platform, the platform height is brought into alignment with the container receiving platform 24 and the container moves by conventional means from the elevator platform onto the container receiving platform to await on-loading onto the aircraft cargo deck. There would have been no motivation to combine the transfer bridge 110 of Moore '019 with the second transferring step of Bryan '532 because Bryan '532 already utilizes the container receiving platform 24 to transfer containers from the elevator platform 26 to the aircraft.

For claim 17 the Examiner states,

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“With respect to claim 17, Bryan is unclear on the specifics of how the second loading platform is raised and lowered and the first loading platform is lifted using hydraulic jacks.

“Moore et al. discloses that the second loading platform is elevated and lowered from the support frame by scissor beams (see column 1, lines 27-31 and see Fig 3, scissor beams 124). Moore et al. further discloses that the scissor beams allow the loading platform to be raised and lowered within the platform vertical space (see column 1, lines 27-31), thus saving space.

“It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the scissor beams as taught by Moore et al. to the loading platform of Bryan, in order to raise and lower the platform within its individual vertical space.”

Applicants submit that it would not have been obvious to include the scissor beams as taught by Moore '019 to the loading platform of Bryan '532. The bed 44 of Bryan '532 is mounted on lifting devices, for example hydraulic jacks 42, one at each corner, which provide the height adjustability feature of the bed. Further, the jacks are operable in pairs along each side or at the front and back of the low profile motorized vehicle so that the bed is also adjustable in roll and pitch to provide for alignment with conventional container handling equipment. The roll and pitch adjustability of the bed is desirable in that the bed and cargo

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mounted thereon can be kept level in the event that the surface of the cargo loading area is such that the transporter vehicle cannot be kept level, for example in the case of broken or potholed concrete on asphalt pavement or because of the absence of pavement on a dirt surfaced cargo loading area. It is desirable to have the lifting devices operable in pairs along each side or end of the bed to prevent racking of the bed.

Claims 18-20 depend from claim 17 and add additional steps and features thereto, and are similarly not rendered unpatentable over Bryan '532 in view of Moore '019.

Applicants submit that the claims are now sufficiently definite under 35 U.S.C. § 112 so as to reasonably apply those skilled in the art as to their scope. Applicants submit that no reference of record anticipates any of the pending claims. Applicants further submit that the references of record do not teach or in any way suggest the unique apparatus and method for loading and unloading aircraft cargo recited in the claims. The hypothetical combination of references upon which the Examiner relies in support of rejection of the claims is not suggested or contemplated by the references themselves and therefore constitutes an improper hindsight reconstruction of Applicants' own invention. Applicants' invention is directed to problems that are not addressed by any of the prior art references, and solves problems and inconveniences experienced in the prior art, thereby representing a significant advancement in the art. It is therefore respectfully submitted that claims 1-20 inclusive should be allowed, since the references, taken singly or in any combination, do not teach the apparatus and

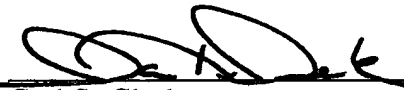
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method for loading and unloading aircraft cargo set forth therein. A notice to this effect is earnestly solicited.

Respectfully submitted,

SEPPO ARIJOKI ET AL

By: PRICE, HENEVELD, COOPER,
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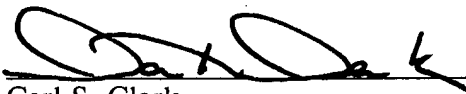


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